

PRISON LAW OFFICE
DONALD SPECTER – 83925
SARA NORMAN – 189536
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

BINGHAM McCUTCHEN
WARREN E. GEORGE – 53588
Three Embarcadero Center
San Francisco, California 94111-4066
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
LINDA KILB – 136101
2212 6th Street
Berkeley, California 94710
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

ROSEN, BIEN & GALVAN, LLP
MICHAEL W. BIEN – 096891
ERNEST GALVAN – 196065
GAY CROSTHWAIT GRUNFELD – 121944
HOLLY M. BALDWIN – 191317
315 Montgomery Street, Tenth Floor
San Francisco, California 94104
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

JONES DAY
CAROLINE MITCHELL – 143124
555 California St., 25th Floor
San Francisco, CA 94104
Telephone: (415) 875-5712
Facsimile: (415) 680-2344

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants

Case No. C94 2307 CW

**ORDER CONFIRMING UNDISPUTED
ATTORNEY'S FEES AND COSTS FOR
THE FIRST QUARTER OF 2009**

On March 26, 1997, the District Court established procedures by which Plaintiffs are to collect periodic attorneys' fees and costs in this case in connection with their work monitoring Defendants' compliance with the Court's Orders and collecting fees.

Pursuant to these procedures, Plaintiffs delivered by overnight delivery their First Quarterly Statement for 2009 to Defendants on April 27, 2009. Defendants submitted their

1 objections to Plaintiffs' statement on May 28, 2009. The parties completed their meet-and-
2 confer process on August 4, 2009.

3 As a result of the August 4, 2009 agreement, the parties are able to agree to the payment
4 of \$925,000.00 for fees and costs incurred during the First Quarter of 2009, for monitoring and
5 fee collection activities in all portions of this action, including the California Department of
6 Corrections of Rehabilitation Division of Adult Operations and Adult Programs, Board of
7 Parole Hearings, and the Division of Adult Parole Operations. Attached hereto as Exhibit A
8 are charts setting forth the fees and costs claimed by Plaintiffs for the First Quarter of 2009,
9 and the amounts originally in dispute. In addition, the parties have agreed that for the Second,
10 Third, and Fourth Quarters of 2009, to the extent that fee disputes can be resolved through
11 negotiation, Plaintiffs' hourly fees will be charged at the 2008 rates indicated in Exhibit A.
12 The parties have agreed that for fees that cannot be resolved through negotiation, Plaintiffs will
13 have the right to seek fees at Plaintiffs' 2009 rates.

14 IT IS HEREBY ORDERED that \$925,000.00 is due and collectable as of forty-five
15 days from the date of entry of this Order. Interest on these fees and costs will run from May
16 28, 2009, accruing at the rate provided by 28 U.S.C. § 1961.

17 IT IS SO ORDERED.

18
19 DATED: 8/17/09



20 THE HONORABLE CLAUDIA WILKEN
21 UNITED STATES DISTRICT JUDGE

22 APPROVED AS TO FORM:

23 /s/ Jay C. Russell
24 Jay C. Russell
25 Deputy Attorney General
Attorney for Defendants

DATED: August 6, 2009

26 /s/ Holly M. Baldwin
27 Holly M. Baldwin
28 Rosen, Bien & Galvan, LLP
Attorneys for Plaintiffs

DATED: August 6, 2009